

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

MICHAEL DEWAYNE MORTON, :
 :
 Plaintiff, :
 :
v. :
 :
TORI NEELY, *et al.*, :
 :
 Defendants. :

ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is ORDERED that the claims against Defendant Jack W. Meigs and Defendant Shanika Perry be dismissed with prejudice and the claims against Defendant Tori Neely be dismissed without prejudice.

It is further ORDERED that plaintiff's claims are dismissed because he did not comply with this Court's orders. Specifically, plaintiff was ordered to advise this Court immediately of a change in address such as when he is transferred or released and warned that dismissal of his action may result from failure to follow this Court's orders.(Doc. 3). The report and recommendation was mailed to the address he provide: the Dallas County Jail. However, the mail was returned and marked "Not here, Return to Sender"

(Doc. 7) which indicates that he has been released or transferred. According to the Alabama Department of Corrections Inmate Locator, he is not an inmate with the Department. Therefore, plaintiff has failed to obey this Court's order to immediately provide his change in address if he is transferred or released.

DONE this 28th day of November, 2011.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE